

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANET D. BOWERS,

Plaintiff,

CIVIL CASE NO. 06-10998

v.

SECRETARY OF VETERAN AFFAIRS,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

/

ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO DISMISS

Before the Court is Defendant's motion to dismiss, filed on March 5, 2007. The proof of service for Defendant's motion indicates that it was mailed to Plaintiff on the same day. Plaintiff has not filed a response opposing the motion. Local Rule 7.1(b) for the Eastern District of Michigan requires that a "respondent opposing a motion **must** file a response, including a brief and supporting documents then available." E.D. Mich. L.R. 7.1(b) (emphasis added). Local Rule 7.1(d)(1)(B) requires that responses to dispositive motions are due within twenty-one (21) days of service of the motion. E.D. Mich. L.R. 7.1(d)(1)(B). Accordingly, the response to this motion was due on approximately March 29, 2007. *See* Fed. R. Civ. P. 6(e). Since no response has been filed, the motion is unopposed.

The Court, having reviewed the filings in this case and the applicable law, determines that Defendant's motion should be granted for the reasons stated in Defendant's brief. Plaintiff did not file this complaint in a timely manner and failed to exhaust the available administrative remedies by abandoning her appeal with the Equal Employment Opportunity Commission. Consequently,

the Court has no jurisdiction over this case.

ACCORDINGLY, IT IS HEREBY ORDERED that Defendant's motion to dismiss [docket entry #11] is **GRANTED** and this case, Civil Case No. 06-10998, is **DISMISSED** for want of subject matter jurisdiction.

SO ORDERED.

Dated: July 17, 2007

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on July 17, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Robert W. Haviland, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Janet D. Bowers.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
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